

### REMARKS

This is in response to the Office Action mailed on January 5, 2010. Claims 1-6, 10-15, 17, 18, 20, 21, 23, 24, 26, 28-31, 33-35, 37-44, 46-52 and 58-61 were under consideration. All claims were rejected. With the present response, claims 1-4, 6, 10, 12-15, 17, 18, 20, 23, 24, 26, 28-31, 33-35, 37-39, 41-44, 46-52, 58 and 59 are amended. Claims 60 and 61 are cancelled. The remaining claims are unchanged. For reasons discussed below, consideration and favorable action are respectfully solicited.

#### I. REJECTION OF CLAIMS 1-6 AND 10-15 UNDER 35 U.S.C. §103

Beginning on page 3 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of four different references (Willard + Narin + Epstein + Courts). Beginning on page 11 of the Office Action, the Examiner rejected claims 3 and 4 under §103 as being unpatentable over a proposed combination of five different references (Willard + Narin + Epstein + Courts + Talati). Beginning on page 6 of the Office Action, the Examiner rejected claims 5, 6, 10 and 11 under §103 as being unpatentable over a proposed combination of five different references (Willard + Narin + Epstein + Courts + Official Notice). Beginning on page 8 of the Office Action, the Examiner rejected claims 12-14 under §103 as being unpatentable over a proposed combination of six different references (Willard + Narin + Epstein + Courts + Official Notice + Keresman). Beginning on page 12 of the Office Action, the Examiner rejected claim 15 under §103 as being unpatentable over a proposed combination of six different references (Willard + Narin + Epstein + Courts + Official Notice + Talati).

Applicant respects the fact that the Examiner is entitled to combine as many references as desired in order to present a case for *prima facie* obviousness in association with a rejection under 35 U.S.C. §103. However, it is respectfully submitted that, at some point, a proposed combination becomes so complex that it is questionable as to whether one skilled in the art would ever conceive of reconfiguring the references in the proposed manner. The rejection of claims 1-6 and 10-15 notably requires the Examiner to cite seven different references in multiple combinations. In some cases, six different references are used in a single rejection. It is respectfully submitted that the proposed combinations seem to indicate a hindsight

reconstruction of the elements of Applicant's claims more than they do an obvious combination of technological features. Applicant respectfully requests that the Examiner take this into consideration while evaluating the amended versions of claims 1-6 and 10-15.

Further, with the present response, Applicant has amended claim 1 such that it now recites the claimed first financial transaction authorization request as including "a contract identification field in which there is stored an identification of a contract between the merchant and a payment provider." Notably, this contract identification is recited again later in the claim as being the subject of a comparison to "a listing of valid contract identifications." As claimed, this comparison leads to a determination "that the contract identified in the contract identification field does not match any valid contract identification in the listing of valid contract identifications." As claimed, the first financial transaction authorization request is therefore rejected. Again, the identification in the contract identification field is, as claimed, "an identification of a contract between the merchant and a payment provider."

When addressing elements related to a contract identification field, the Examiner has pointed to paragraphs 37, 43, 49 and 50 of the cited Willard reference. A close examination of these passages and the rest of the Willard reference reveals that any look up of information from a request in the Willard reference pertains to relationships between a card user and a card provider. There is nothing in the Willard reference that teaches or suggests any comparison involving a contract identification between a merchant and a payment provider. The other references cited in combination fail to remedy the inability of the Willard reference to teach or suggest the noted claim elements. For at least this reason, it is respectfully submitted that independent claim 1 is in allowable form. Applicant also respectfully requests that the Examiner consider the other amendments to independent claim 1.

Dependent claims 2-6 and 10-15 are dependent upon independent claim 1 and are believed to be in allowable form at least for their dependence upon what is believed to be an allowable claim. Further, it is respectfully submitted that some or all of these dependent claims recite features that are individually distinguishable from the cited references considered independently or in combination. Most of the dependent claims have been amended with the present response in order to specifically emphasize what Applicant believes to be claim features

that are distinguishable from the cited prior art. For at least these reasons, consideration and allowance of some or all of dependent claims 1-6 and 10-15 are respectfully solicited.

II. REJECTION UNDER 35 U.S.C. §103 OF CLAIMS 17, 18, 20, 21, 23, 24, 26 & 28-31

Independent claim 17 and its associated dependent claims 18, 20 and 21 were rejected beginning on page 13 of the Office Action under §103(a) as being unpatentable over a cited combination of four different references (Willard + Narin + Epstein + Guenthner). Beginning on page 18 of the Office Action, claim 23 is rejected under §103 in view of a proposed combination of five different references (Willard + Narin + Epstein + Guenthner + Official Notice). Beginning on page 27 of the Office Action, the Examiner rejected claim 24 under §103 as being unpatentable over a proposed combination of six different references (Willard + Narin + Epstein + Guenthner + Official Notice + Langhans). Also beginning on page 27 of the Office Action, the Examiner rejected claims 26 and 28-30 under §103 as being unpatentable over a proposed combination of seven different references (Willard + Narin + Epstein + Guenthner + Official Notice + Langhans + Keresman). Beginning on page 40 of the Office Action, the Examiner rejected claim 31 under §103 as being unpatentable over a proposed combination of seven different references (Willard + Narin + Talati + Epstein + Guenthner + Official Notice + Langhans).

The Examiner utilizes seven different references in multiple proposed combinations in order to reject independent claim 17 and its associated dependent claims. Applicant again respectfully submits that the proposed combinations, at least in some cases, are extremely complex and call into question whether one skilled in the art would ever conceive of such a combination of teachings from the prior art. Notably, the references do not even all come from the same category of prior art. While some of the references pertain to payment processing, some of them do not. For example, the cited Narin reference pertains to use of headers for storing information in the context of web browsers. Little or nothing in the reference pertains to payment processing in the types of systems as claimed is described in the Narin reference. Applicant respectfully requests that the Examiner take these thoughts into consideration when evaluating the patentability of independent claim 17 and its associated dependent claims.

With the present response, independent claim 17 has been amended such that it now recites a first financial transaction authorization request that includes “a cache-key field.” Further, as claimed, the cache-key field is utilized by the claimed gateway processor as a basis for selecting a sub-set of merchant invariant data. As was discussed in relation to claim 1, the cited Willard reference describes look ups that pertain to relationships between card users and a payment provider. Utilization of a payment processing gateway to reference merchant data in a manner as claimed is missing from the Willard reference and also from the other references considered in combination. For at least this reason, it is respectfully submitted that claim 17 recites elements that are neither taught or suggested by the cited references considered individually or in combination. Applicant also respectfully requests that the Examiner consider the many other amendments made to independent claim 17.

Dependent claims 18, 20, 21, 23, 24 and 26-31 are dependent upon claim 17 and are believed to be in allowable form at least for their dependence upon what is believed to be an allowable claim. Further, it is respectfully submitted that some or all of these dependent claims are allowable based on the merit of their own limitations. Many of these dependent claims have been amended in order to specifically emphasize what Applicant believes to be features that are missing from the cited references considered independently or in combination.

### III. REJECTION OF CLAIMS 33-35, 37-44 & 46-52 UNDER 35 U.S.C. §103

Beginning on page 19 of the Office Action, the Examiner rejected independent claim 33 under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of six different references (Willard + Narin + Epstein + Official Notice + Steele + Guentner). Beginning on page 22 of the Office Action, the Examiner rejected claims 34, 35, 37, 38 and 46-48 under §103 as being unpatentable over a proposed combination of six different references (Willard + Narin + Epstein + Official Notice + Steele + Guentner). Beginning on page 35 of the Office Action, the Examiner rejected claims 39 and 42-44 under §103 as being unpatentable over a proposed combination of seven different references (Willard + Narin + Official Notice + Epstein + Steele + Guentner + Courts). Claims 46-48 were also rejected in view of the six reference combination utilized to reject claims 34, 35, 37 and 38 (Willard + Narin + Epstein + Official Notice + Steele + Guentner). Beginning on page 30 of the Office Action, claims 49-51 were rejected under §103

in view of a proposed combination of seven different references (Willard + Narin + Epstein + Official Notice + Steele + Guenther + Keresman). Beginning on page 34, claim 52 was rejected under §103(a) as being unpatentable over a proposed combination of eight different references (Willard + Narin + Epstein + Official Notice + Keresman + Steele + Guenther + Jacobs).

Notably, in this claim set, the Examiner cites as many as eight different references together in combination in order to reject one of Applicant's claims. Again, Applicant respectfully requests that the Examiner consider whether the proposed combination of references is more complex of a solution than one skilled in the art would ever conceive. Applicant respectfully requests that the Examiner take this into consideration when considering the amended version of claim 33 and its associated dependent claims.

With the present response, Applicant has amended claim 33 such that it now recites "a cache-key [comprising] data indicative of a merchant." Further, as claimed, the cache-key is utilized by a gateway processor as a reference in "a retrieval of cache-able data from [a] gateway memory." Notably, the claimed cache-able data is recited as being included in a first financial transaction authorization request with the cache-key.

The cited Willard reference teaches transmission of cardholder data for the purpose of facilitating a payment relation with a payment service. However, at no point in the cited references is a cache-key transmitted in a request together with cache data for which the key is subsequently utilized as a basis for retrieval. Certainly the cited prior art fails to teach or suggest these features when considering that the cache key comprises data indicative of the merchant that sends the requested self. For at least these reasons, it is respectfully submitted that the cited references considered independently or in combination fail to teach or suggest the elements of independent claim 33. Applicant also respectfully requests that the Examiner consider the other amendments to the independent claim.

Further, it is respectfully submitted that dependent claims 34, 35, 37-44 and 46-52 also recite patentable features at least for their dependence upon what is believed to be an allowable claim. Further, it is respectfully submitted that some or all of these dependent claims are allowable based on the merit of their own limitations.

### III. REJECTION OF CLAIMS 58-62 UNDER 35 U.S.C. §103

Claims 61 and 62 are cancelled herewith. Claims 58 and 59 remain pending. Claim 58 is rejected on page 41 of the Office Action under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of the Willard, Narin and Epstein references. Claim 59 is rejected on page 37 of the Office Action under §103 as being unpatentable over a proposed combination of five different references (Willard + Narin + Steele + Epstein + Official Notice).

With the present response, Applicant has amended claim 58 such that it now recites the claimed gateway processor as “utilizing a server thread to maintain a socket session with the merchant and with a financial institution.” It would seem that the Examiner attempts to take Official Notice of these features in the latest Office Action. Applicant respectfully rejects the premise that setting up a payment processing gateway server in such a manner would be an obvious configuration. In fact, such a configuration could be counterintuitive in that it presents security issues that would not otherwise arise. However, given the unique configuration of the claim features, such issues may or may not arise in practice. Applicant rejects the attempt to take Official Notice and respectfully requests that prior art, if it exists, be cited as a demonstration that such features would be obvious to take for granted in a context as claimed. Lacking a demonstration of such prior art, it is respectfully submitted that claims 58 and 59 recite features that are missing from the cited references considered independently or in combination.

#### IV. CONCLUSION

In summary, it is respectfully submitted that claims 1-6, 10-15, 17, 18, 20, 21, 23, 24, 26, 28-31, 33-35, 37-44, 46-52, 58 and 59 recite features that are neither taught nor suggested by the cited references considered independently or in combination. Consideration and favorable action are respectfully solicited. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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